

## **SELECT BOARD MEETING**

Monday, March 1 – 6:30 p.m.

Town Room, Town Hall

DRAFT

### **MINUTES**

#### **Call to order:**

Meeting was called to order by Ms. O'Keeffe at 6:30 p.m.

#### **Attendance:**

Present: Stephanie O'Keeffe (Chair), Alisa Brewer, Aaron Hayden (Clerk pro-tem), Diana Stein, Gerry Weiss, Larry Shaffer (Town Manager), John Musante (Asst. Town Manager)

Others presenting: John Tibbets (Proj. Mgr for Atkins), Lee Pratt, Nathan Day, Paul Hodgkins, Chief Livingstone (APD), Chief Whitehead (UMass PD), Charlie Moran (Chair PWC), Guilford Mooring (Dir DPW), John Coull (Chair ARA)

#### **Public Comment**

No comments this evening

#### **New Wine & Malt Package Store Liquor License**-Atkins Fruit Bowl, Inc.

Stephanie O'Keeffe opened hearing at 7:00pm

This is an off-premises license for wine and malt not an all alcohol license. Town can grant 7 and only 2 are in use.

After a wide ranging discussion including statements in opposition from other liquor retailers it was discovered the announcement of the hearing was not made early enough and the hearing was closed. Another hearing will be scheduled for the March 15<sup>th</sup> Select Board meeting.

Stephanie O'Keeffe apologized profusely for the error.

#### **Police Plans for Spring Party Season:** Chief Livingstone/Chief Whitehead answered questions:

Stephanie O'Keefe wondered whether the State Police are going to help out?

Chief Livingstone explained the State will send a CAT (Community Action Team) with 5 to 12 offices and a OUI team with 4 – 10 officers. Also the Town will fill all OT slots on Thursday Friday, and Saturday nights starting right after Spring Break until graduation.

Chief Whitehead has also arranged for his full staff to be on duty in that period and may add staff depending on weather. The UMass officers will support the Town if things get out hand and expected the Town Reciprocate - Chief Livingstone concurred.

Stephanie O'Keeffe noted that the discussion at the leadership conference was about maintaining the right balance to protect the safety of the students and the harmony of the neighborhood. She empathically explained that we take this very seriously. She asked whether the Nuisance House by-law was helping?

Chief Livingstone explained that for 5 years there have been between consistently 900 – 1100 noise complaints from which 200 tickets and 100 arrests arise. He expects the increase in fines to help and pointed out that each only about 300 people are dealt with punitively.

APD has issued 15 Nuisance House citations at 6 addresses and has not had to respond to any of them a second time.

Alisa Brewer asked whether the new patrol areas, where officers are assigned to specific areas, was working?

Chief Livingstone is expecting interesting results from this change of philosophy which intends to build a familiarity with residents in an area and the police officers. It is meant to allow the police to do active problem solving.

Gerry Weiss concerned about the arrest process: how does a complaint turn from a visit to an arrest? There are people in the community who are interested in the answer. That only 10% of calls end up as an arrest would be hard to judge from public comment which made it seem a much greater number.

Chief Livingstone explained that an arrest doesn't usually involve just one person but everybody present. Police want arrests to be a last resort since it takes them off patrol for a while.

Gerry Weiss noted that 1000 complaints then is not 1000 locations since there are 3 or 4 arrests at each address. How would like there to be a community process to educate public on what APD is doing since it seems to be the right thing..

Chief Whitehead explained that there are a variety of campaigns to help educate students about how to stay out of trouble - the idea is to do Education with student groups to help them – the effort is not just about enforcement

Gerry Weiss wanted to know how many arrests followed after a ticket and how many tickets get paid?

Chief Livingstone explained that it is rare that a first call becomes a ticket and rare that tickets don't get paid – judges don't want to give a kid a record for a noise violation and work to collect the fine rather than throw them in jail.

Alisa Brewer wondered how to get some of this material into the Town Meeting packet, the statistics would help people understand that the police aren't about simply about hauling people off in handcuffs.

Gerry Weiss added there should be similar material on open containers and kegs.

Stephanie O'Keeffe wanted to know what number a neighbor should use to call in a complaint?

Chief Livingstone prefers they call 259-3000 but 911 operators are trained how to take care of them. Noise complaints are not emergencies.

### **Public Works:**

Mr. Mooring presented easements and Right-of-Way takings for Atkins Corner Reconstruction as approved by Town Meeting which includes donations and some work swaps.

### **Decision**

Gerry Weiss moved to accept Easements and Right-of-Ways for Atkins Corner Reconstruction as approved in Town Meeting from: Hampshire Village II Community Corp, Balderwood Realty Trust, National Yiddish Book Center, Ronald and Deborah Jacque, and Michael Lesy and Lisa Stoffer. Diana Stein seconded and the motion was approved unanimously.

Guilford gave an update on various PWC projects, Governor's Drive, Sand Hill, Lincoln Ave study, general traffic calming, PWC project approval process.

### **Sidewalk Snow Plowing Recommendation:**

Charlie Moran presented the new sidewalk plowing plan which includes sidewalks between walks that are already being plowed, school walks and other highly trafficked areas which will add about 7 more miles to the current plowing plan. It that will cost about \$650 more to plow per storm.

The Downtown is not included since it is requires all hand shovel work and is very expensive.

Alisa Brewer appreciated that the list is on the PWC website for the public to see.

Gerry Weiss asked about plowing only once after a storm?

Guilford Mooring replied that the policy has been and is for DPW to go through and plow once only.

Larry Shaffer advocated for municipal clearing of walks to enhance safety. Many citizens are not able to clear their walk even though they are required to. If there were a lot of money he would ask to clear a lot more walks.

Alisa Brewer suggests we accept this plan and adjust it next year as needed. Plowing is an awkward budget since it is difficult to predict.

Stephanie O'Keefe considered starting next year since there is likely to be little snow any more this year. And we shouldn't take on more now when we can't afford it.

Larry Shaffer thinks this is a good time to test this template on the snow attack process - to experiment with moving personal around and testing sand and salting process. Crews did a terrific job over the years and improve all the time and the snow attack team takes it very seriously.

Diana Stein agrees to move forward should there be a significant snow storm.  
Different question about Strong Street where students walk to school – how is it cleared? What is the process since the walk is bumpy and curved.

Guilford Mooring explained there are 3 machines that go out at different times, a snow blower, a vee plow and an angle plow (a Bombardier and a Holder).

Alisa Brewer appreciated that UMass often clears from North Village to their campus .

Guildford Mooring mentioned that Amherst College and UMass clear some walks, especially if they get there first.

Stephanie O'Keefe asked if the recommendation is to approve and try it out this year how would it be funded?

Larry Shaffer said the snow budget is in good shape, for now, so it is a good year to try since we have an opportunity. The DPW will report back results of experiment.

### **Decision**

Dian Stein moved to approve the Public Works Committee's recommendation on sidewalk snow plowing in the memo dated January 26, 2010. Alisa Brewer seconded and the motion was approved unanimously.

### **Town Manager's Report Mr. Shaffer**

Mr. Shaffer presented the Gateway Redevelopment District.

Gerry Weiss worried that the taking of two churches mentioned in a newspaper article caused a stir in the community.

Larry Shaffer explained the idea hasn't gone far enough to consider taking anything. First threshold issue is getting UMass approval for its parcels. Then there are zoning changes that need to be completed – “there are 1000 steps to the top one step to the bottom.”

Alisa Brewer noted that the consideration of the Baptist Church's parcel doesn't do anything to the buildings and that there is value in considering synergies between uses of various projects.

John Coull (Chair of ARA): This project speaks to many issues we have considered in the past like student housing and UMass not contributing to the tax roles. It is important to explore these issues now. The Redevelopment Authority is on board with this project, it is a many step process. Land is vacant now and a satisfactory project could be completed there. Access to State Funding requires a Plan that can include a wide scope beyond. ARA wants to be a useful part of the Town machinery.

Gerry Weiss felt this conversation will not produce calm: what would the process be to involve the first Baptist Church.

Larry Shaffer stated that the conversation will start with the church directly. Similarly conversations are being entered into with all the owners involved.

Alisa Brewer appreciates learning of this early so people can start thinking about the bigger issues.

Municipal Hearing Officers/Municipal Fine Collection Update: The State approved a local option to accept a new system which adds another administrative step in fine process. Now many fines don't get paid and there is no remedy – this allows fines to be liened and taxed. It includes a Municipal Hearing Officer and process to change an unpaid fine into a lien. Amherst has an officer, Bill Letendre, working on Fire Code violations who may be able to handle the rest of the violation types. Language being prepared for Town Meeting.

## **Member Reports**

### **Liaison & Representative Reports**

Diana Stein reported the Board of Health is discussing tobacco regulations to prevent smoking at outdoor seating areas with service and on the Town Common when there are events. A large number of people attended, most from the Cannabis reform group and some restaurant owners. They were concerned that visitors might not know local restrictions in a public place, and the rule might keep people away from restaurants (even though there is strong evidence the opposite is true). The Chamber of Commerce is concerned that charitable groups would stop holding their events on the on Town Common if the rule went into effect.

Alisa Brewer commented the enforcement of no smoking on the Common is difficult and easier for a restaurant owner serving on their patio.

Gerry Weiss reported on the proposal to reorganization the Social Services committees: The Committee on Homelessness looking for a date to meet with the three groups – a difficult task especially since there is not a lot of support among the groups.

Stephanie O'Keeffe reported:

BCG is scheduled to meet Thursday at 11:30.

The JCPC meets 8:30 Friday mornings in the Town Room to hear departmental requests. A draft of the budget is on the JCPC website.

The Complete Count Committee notes that March is Census Month. It is crucial we get everybody counted since it determines congress seats, and grant money.

#### Other Issues and Updates

Diana Stein noted that the Amherst Family Center has invited anyone to drop in with different topics being examined each day. It is at 121 North Pleasant St in the Unitarian Church (enter in the back). 256-1145

The annual Municipal Conference with Stan Rosenberg is meeting on 3/18, Thursday.

#### **Discussion on putting an editorial on the override into the paper:**

Stephanie O'Keeffe presented a rough draft of the "Top 10 Reasons to Support an Override." There was a general discussion on details and wording.

Diana Stein and Stephanie O'Keeffe will take comments to "tweak" editorial.

Also discussed was the timing of the publication of the article - the sooner the better to help build public understanding.

#### **Signing the Annual Town Election Warrant**

##### **Committee Appointments -**

Diana Stein moved to appoint Liz Etheridge to the La Paz Centro, Nicaragua Sister City Committee, for a term to expire June 30, 2013. Gerry Weiss seconded and the appointment was accepted unanimously.

##### **Chair's Report Ms. O'Keeffe**

There will be a Citizen Petition with a zoning by-law change regarding 4 unrelated people living together.

Library Certification waiver of tax support (recall we promised to call a special TM if the waiver failed) was accepted.

Ms. O'Keeffe spoke at leadership conference for Fraternities and Sororities sponsored by Isenberg School of Management. She spoke on Select Board outreach program and the good feedback she got on how to improve it (especially after low turnout at hearing on alcohol by-laws):

Mass e-mail

Meet at UMass

Student seat at Town meeting

A table in the Student Center to provide info on how students could be involved in Town affairs.

Ms. O'Keeffe met with taxi company about regulations that are not being enforced regularly.

Sunday she will be talking on WMUA with John Musante on the program "Focus"

Maria Rocca is coordinating on 08 and 09 Annual Reports.

### **Calendar Preview**

**3/15 - SB Meeting:** (preceded by 5:30 Reception for Gerry Weiss) Conservation Planning Grant Updates; Commercial Tax Assessments Discussion, Audit Report

3/23 - Annual Town Election

3/27 - Senator Rosenberg's Annual Legislative Breakfast

**April SB Meetings:** 4/5, 4/12, 4/19, 4/26

### **Adjourn to Executive Session: 9:40**

For the purpose of dealing with Open Session Minutes

Roll call vote:

Stephanie O'Keeffe, Aye

Alisa Brewer, Aye

Aaron Hayden Aye

Diana Stein, Aye

Gerry Weiss, Aye

Changes and comments encouraged.

Respectfully submitted;

*Aaron Hayden*